

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
April 26, 2010**

COUNCIL MEMBERS

Phil Dyer, Mayor
Harry LaRosiliere, Mayor Pro Tem
Lee Dunlap, Deputy Mayor Pro Tem
Pat Miner
Ben Harris
André Davidson
Lissa Smith
Jean Callison

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Deputy City Manager
Bruce Glasscock, Deputy City Manager
Mark Israelson, Assistant City Manager
LaShon Ross, Assistant City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary
Alice Snyder, Assistant City Secretary

Mayor Dyer called the meeting to order at 5:02 p.m., Monday, April 26, 2010, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Mayor Dyer then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice/Litigation, Section 551.071, and to receive information regarding Economic Development, Section 551.087 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor Dyer reconvened the meeting back into the Preliminary Open Meeting at 5:40 pm.

Consideration and action resulting from Executive Session discussion:

No items were considered.

Personnel Appointment

Photographic Traffic Signal Advisory Committee

Council Member Davidson appointed Robert Drotman to a three-year term.

Library Advisory Board

Upon a motion made by Council Member Harris and seconded by Mayor Pro Tem LaRosiliere, the Council voted 8-0 to appoint Denver Tracy to an interim term expiring October, 2010.

Discussion and Direction Regarding Library Services

City Manager Muehlenbeck spoke to the presentation made at the Core Matrix Worksession and Staff's proposal to close libraries on Sunday saving \$282,000 for 2009-10 and \$365,643 in 2010-11. Library Director Ziegler spoke to reductions taken in the last two years with a loss of seventeen full-time and fourteen part-time positions resulting in a savings of over \$1.5 million while the libraries experienced increases in checkouts, holds, internet access and patron counts. She advised that implementation of self-service will allow the department to keep up, but a further personnel reduction would result in the inability to maintain service levels. Mayor Pro Tem LaRosiliere spoke to closures impacting those without computer access at home and requested discussion of alternatives. Ms. Ziegler stated that if 2.5 positions were cut rather than 5.5, libraries would reduce Thursday evening hours for a total cost savings of \$300,146 and spoke to this closure impacting a different segment of the population.

Council Member Smith spoke to rolling closures (one each on weekdays with all locations open on weekends). Ms. Ziegler advised she would gather information regarding possible savings and advised that to retain accreditation there must be 64 hours of service somewhere in the system. She spoke to Parr Library as having the smallest service area and fewest customers and advised that all locations trend the same with regard to traffic. Council Member Miner spoke to considering an increase in the hours on Saturday to offset Sunday closures.

Ms. Ziegler advised regarding the library's budget; spoke to customers' desire for circulating materials, the daily average of 42,000 holds and costs of pre-processed materials resulting in fewer copies. She spoke to the limit of 20 holds, staff "pulls" of over 1,600 per day and the limit of 50 books checked out per card. Council Member Smith spoke to the possible savings should the number of holds and checkouts be reduced and the Council requested information on the number of citizens with many books checked out. Ms. Ziegler spoke to services provided to non-residents resulting in external funding and to maintaining free services for accreditation. She responded to the Council regarding the impact rolling closures may have on computer access with patrons moving to available locations.

Discussion and direction concerning the funding and administration of grant programs supporting cultural and arts programs, heritage preservation activities, special events, social services and housing programs

Community Services Manager Day spoke to receipt of 29 applications for public service funding which can be addressed through either the Community Development Block Grants (CDBG) or Buffington Grants and to the need to provide funding information to the Department of Housing and Urban Development by mid-June. She spoke regarding a recommendation that the Commission review criteria in preparation for the 2011 cycle. City Manager Muehlenbeck reviewed a recommendation to reduce the level of Buffington Grant funds to \$250,000 from \$2 per capita. Ms. Day spoke to the fairly constant level of CDBG funding and presentations advising groups that funding may be reduced. Mayor Pro Tem LaRosiliere and Council Member Miner spoke in support of \$250,000, and Council Member Davidson stated concern regarding agency expectations and clarifying standards. The Council concurred in directing Staff to move forward with \$1 per capita in funding and utilizing the current Council of Governments population figure as the reference point.

Presentation and Demonstration of City Online Check Register

Director of Finance Tacke provided a briefing of the online system and navigation tools.

Comprehensive Monthly Financial Report

Director of Finance Tacke advised that the General and Golf Course funds are down slightly as a percentage of budget compared to the prior year and that the Water/Sewer and Sustainability funds are up slightly. She spoke to the General Fund actual revenue being lower for the first six months of this year due to decreasing sales taxes and declines in franchise fees. Ms. Tacke spoke to the slight downturn in unemployment and the Water/Sewer fund offset by sewer revenue.

Council Items for discussion/action on future agendas

Mayor Dyer requested a presentation from the North Texas Municipal Water District regarding future rates and billings.

Consent and Regular Agendas

No items were discussed.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:49 p.m.

Phil Dyer, Mayor

ATTEST:

Diane Zucco, City Secretary

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Mayor Dyer convened the Council into the Regular Session on Monday, April 26, 2010, at 7:00 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Associate Pastor Kelvin Foley of Prestonwood Baptist Church and the Pledge of Allegiance was led Boy Scout Troop 2819.

Mayor Dyer received a check from Collin County for Road Improvement Projects; provided Special Recognition to Chetan Reddy, Winner of the DMN Regional Spelling Bee; and read a proclamation for Hedgcoxe Elementary School Teacher Appreciation Week

Mayor Dyer administered oaths of office to incoming members of boards and commissions and presented certificates of appreciation to outgoing members of the Public Art Committee.

Comments of Public Interest

Lee Stark, representing the Geriatric Wellness Center spoke to the reduction in funding of agencies by the United Way and reduced private donations and further requested the Council reconsider their decision to reduce the Buffington Grants.

Consent Agenda

Upon a motion made by Council Member Harris and seconded by Council Member Miner, the Council voted 8-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

Approval of Minutes (Consent Agenda Item "A")

April 10, 2010

April 12, 2010

Approval of Expenditures

Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)

Bid No. 2010-84-B for Plano Aquatic Center - Bridge Replacement to Wall Enterprises in the amount of \$124,295 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

Bid No. 2010-65-B for Self Contained Breathing Air Compressor equipment and installation for the Fire Department to August Industries Inc. in the amount of \$52,600 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

Bid No. 2010-91-B for the purchase of three (3) 1/2 ton extended cab pickup trucks for Fleet Services to be utilized by Athletic Field Maintenance, Utility Maintenance Administration, and Backflow Operations to Five Star Ford of Plano in the amount of \$55,005 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "D")

Bid No. 2010-87-C for a one (1) year contract with three (3) optional one year renewals for the purchase of Public Building Landscape Maintenance for the Parks and Recreation Department at Coyote Creek Park, Davis Library, Fire Station 4, Fire Station 6, Fire Station 9, Fire Station 10, Haggard Library, Harrington Park, Liberty Park, Parr Library, Plano Aquatic Center, & Prairie Meadow Park; to Somerset Landscape Maintenance in the amount of \$55,462 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "E")

Bid No. 2010-29-C for a one (1) year contract to purchase oil and lubrication products for Warehouse Operations to Douglass Distributing, Sun Coast Resources, Inc., Southwest Distributing Co., & Universal Lubricants, LLC in an estimated amount of \$98,554 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "F")

Proposal No. 2009-76-B for EOC Audio Visual Project for the Department of Emergency Management to Audio Fidelity Communications Corporation dba The Whitlock Group in the amount of \$404,969 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "G")

Purchase from an Existing Contract

To approve the purchase of Landscape Maintenance Services for the Parks and Recreation department in the amount of \$351,000 from Dyna- Mist Construction Company, Inc. through an existing contract with the Plano ISD RFP #2009-080, for the term of three (3) years with two (2) optional one (1) year renewals, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)

To approve a contract with Caye Cook DBA Caye Cook and Associates to provide Landscape Architectural Services in conjunction with the Frank Beverly Park Improvements in an amount not to exceed \$64,745 and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. (Consent Agenda Item “I”)

To approve an engineering contract by and between the City of Plano and Jerry Parche’ Consulting Engineers in the amount of \$53,890 for Drainage Improvements – Ashington Lane, Rosehill Lane & Early Morn Drive and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “J”)

Approval of Change Order

To Hencie International, Inc., increasing the contract by \$54,630 for the 2008-2009 Residential Concrete Pavement Rehabilitation Project, Zone I 4, Project No. 5969, Change Order No. 2. Original Bid No. 2009-79-B. (Consent Agenda Item “K”)

Adoption of Resolutions

Resolution No. 2010-4-12(R): To terminate the contract due to contract noncompliance by and between the Salvation Army and the City of Plano for the Homelessness Prevention and Rapid Re-Housing Program in Plano; approving its execution by the City Manager; and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2010-4-13(R): To modify the contract by and between the Samaritan Inn and the City of Plano for the Homelessness Prevention and Rapid Re-Housing Program in Plano; reallocating funds available within the Homelessness Prevention and Rapid Re-Housing Program subject to the previous agenda item; approving its execution by the City Manager; and providing an effective date (Consent Agenda Item “M”)

Resolution No. 2010-4-14(R): To support participation in the Cotton Belt Rail Line corridor study to further facilitate rail transit service; and providing an effective date. (Consent Agenda Item “N”)

END OF CONSENT

Bid No. 2010-48-C for a one (1) year contract with three (3) City optional renewals for the purchase of large and small plastic meter box lids to Bass and Hays Foundry, Inc. in an estimated amount of \$114,120 and authorizing the City Manager to execute all necessary documents. (Regular Agenda Item “1”)

City Engineer Upchurch spoke regarding the need to change meter box lids to accommodate implementation of the radio system. He spoke to evaluation of samples provided, the need for a good fit and those provided by the low bidder as having too large a variable for acceptance. Mr. Upchurch recommended approval of the next low bid.

Jeff Nielsen of DFW Plastics spoke to his experience with the City, samples provided based on bid specifications and the effect of a ribbing structure. Mr. Upchurch advised that tolerance was not included in the specifications and Mayor Pro Tem LaRosiliere stated concern regarding its omission.

A motion was made by Council Member Miner and seconded by Deputy Mayor Pro Tem Dunlap to approve the item as recommended by Staff. The Council voted 7-1 with Mayor Pro Tem LaRosiliere voting in opposition. The motion carried.

Resolution No. 2010-4-15(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas, and VuComp, Inc., a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “2”)

Director of Finance Tacke advised that VuComp, Inc, would occupy no less than 9,500 square feet of space and retain, transfer or create up to 14 full-time jobs by August 15, 2010 with up to an additional 31 full time jobs by December 31, 2012 and 55 by December 31, 2014. She advised that the terms of the agreement run from August 15, 2010 through August 14, 2016 in an amount of up to \$125,000.

Upon a motion made by Council Member Callison and seconded by Council Member Smith, the Council voted 8-0 to approve the agreement between the City and VuComp, Inc and further to adopt Resolution No. 2010-4-15(R).

Public Hearing and adoption of Ordinance No. 2010-4-16 as requested in Zoning Case 2010-01 to amend Subsection 2.818 (R - Retail) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and Subsection 3.1001 (Screening Walls or Visual Barriers) of Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, regarding screening requirements for single-family and two-family residential uses within the Retail and General Residential zoning districts; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano (Consent Agenda Item “3”)

Ordinance No. 2010-4-16 (cont'd)

Director of Planning Jarrell spoke to proposed changes: revising the screening requirement when Retail Zoning property is developed as residential to remove the screening wall separation between adjacent residential zoning; include reference to residential landscaping requirements in Retail Zoning districts; and including the requirement for screening between nonresidential and residential zoned properties in General Residential districts. She advised that the Planning and Zoning Commission recommended approval as follows:

1. Amend Subsection 3.1001 (Screening Walls or Visual Barriers) of Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations) to read as follows:

3.1001 Screening Walls or Visual Barriers

- (1) In the event that an MF-1, MF-2, MF-3, BG, O-1, O-2, CE, CB-1, R, LC, RC, RE, CC, RT, LI-1, or LI-2 district sides or backs upon an ED, SF-20, SF-9, SF-7, SF-6, SF-A, PH, 2F, GR or UR district except as noted in (2) below, or in the event that any nonresidential district sides or backs to an MF-1, MF-2, or MF-3 district, a solid screening wall or fence of not less than six nor more than eight feet in height shall be erected along the entire property line separating these districts, except where visibility triangles or easements are required. (See Subsections 3.503 and 3.508.) The purpose of the screening wall or fence is to provide a visual barrier between the properties. The owner of such property shall be responsible for and shall build the required wall or fence along the entire property line dividing his property from the residential district. In cases where the Planning & Zoning Commission finds this requirement to be impractical for immediate construction, it may grant a temporary or permanent waiver of the required screening wall or fence until such time as the screening wall or fence may be deemed necessary by the City Council. In cases where the Planning & Zoning Commission finds this requirement to be better met by an irrigated living screen, the same may be substituted for the screening wall.
- (2) No solid screening wall or fence shall be required as stated in Subsection 3.1001 (1) above when single-family or two-family residential uses are developed within the Retail zoning district.
- (~~2~~3) Any screening wall or fence required under the provisions of this section, a specific use permit, planned development district, or other requirement shall be constructed of masonry or reinforced concrete which does not contain openings more than 40 square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence. The use of prefabricated, patterned concrete panels is prohibited.
- (~~3~~4) No fence, screen, wall, or other visual barrier shall be so located or placed that it obstructs the vision of a motor vehicle driver approaching any street or drive intersection, in accordance with Subsection 3.508.

Ordinance No. 2010-4-16 (cont'd)

- ~~(45)~~ Where an alley intersects with a street, no fence or plant taller than 30 inches may be placed within a sight visibility triangle defined by measuring eight feet to a point along the property lines and joining said points to form the hypotenuse of the triangle.
- ~~(56)~~ All required screening walls shall be equally finished on both sides of the wall.
2. Amend Subsection 2.818 (R - Retail) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) to read as follows:
5. Landscaping (See Section 3.1200; residential uses as allowed in the Retail district shall comply with Section 3.1200 (2)(b).)

Mayor Dyer opened the Public Hearing. No one appeared to speak for or against the item. The Public Hearing was closed.

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Miner, the Council voted 8-0 to amend Subsection 2.818 of Article 2 and Subsection 3.1001 of Article 3 of the Comprehensive Zoning Ordinance of the City; as requested in Zoning Case 2010-01 and as recommended by the Planning and Zoning Commission and further to adopt Ordinance No. 2010-4-16.

There being no further discussion, Mayor Dyer adjourned the meeting at 7:37 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary